

PERSECUTION
OF AN ELECTOR,
JOHN H. JACOCKS, ESQ.,

BY FALSE IMPRISONMENT IN THE RETREAT AT
HARTFORD, AND BY DEPRIVING HIM OF HIS CONSTITUTIONAL RIGHT OF

S U F F R A G E,

THREE WEEKS PREVIOUS TO THE ELECTION, ON FIRST APRIL,
1844, AND SO CONFINING HIM FROM THE SIGHT OF HIS
CHILDREN AND ASSOCIATES, AND HIS OWN
CHOICE OF A PHYSICIAN, FOR NEARLY
THREE MONTHS, WITH THE HOPE
OF CONCEALING HIS FALSE
IMPRISONMENT, BY

ROGER S. BALDWIN,

AND HIS TOOLS,

CALEB MIN.

OF THIS CITY, AND

JOHN S. BUTLER, M. D.,

SUPERINTENDENT OF SAID MAD HOUSE.

NEW HAVEN:
PRINTED FOR THE PUBLISHER.

1847.

UNITED STATES TOLERATION TICKET.

HENRY CLAY, of Kentucky, *for President.*

JOHN DAVIS, of Massachusetts, *for Vice President.*

Connecticut State Toleration Ticket for 1847.

JOHN H. JACOCKS, *for Governor.*

WILLIAM H. ELLIS, *for Lieutenant Governor.*

CHARLES J. M'CURDY, *for Secretary of State.*

WILLIAM W. ELLSWORTH, *for Treasurer.*

ISAAC TOUCEY, *for Controller.*

JAMES F. BABCOCK, *for Member of Congress.*

Should any or all of the above named citizens be chosen by about 20,000 majority by the electors, I should rather think they would attempt to discharge the duties of their respective offices.

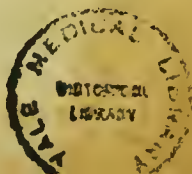
JOHN H. JACOCKS.

Entered according to Act of Congress, in the year 1847,

By JOHN H. JACOCKS,

in the Clerk's office, for the District Court of Connecticut.

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TO THE PUBLIC.

My design is to serve the cause of liberty. I regret the exposure of names. Humanity in a dungeon is a sad spectacle. It is excruciating where there is no eye, but that of the turn-key and his satellites. My torments were a delight to the successful candidate for the State chief magistracy; and he shall be strictly held to account to the sufferer and the people.

JOHN H. JACOCKS.

TO THE PEOPLE.

Persecutors are usually successful at first; but before the people, who hate persecution, and love toleration, fair play and generosity, they are compelled to give way to their superiors. Persecutors combine to destroy merit by every species of wickedness and falsehood. They lie—take false oaths; they print, and in every way defame and defile the object of their malice. Persecutors are the base and corrupt of the world. People, raise the Toleration standard! And should we elect it by 20,000 votes majority, their consent will not be wanting to take their seats and do the duties of their respective offices, for their native State. A little courage on the part of the press would not be dishonorable to this State. Buonaparte could not long muzzle the press. He did, however, at first; but it soon sprung from its lethargy, and cast him from his thrones. Will our Connecticut persecutors of the people compare in power with the tyrant of Europe? Then, people, let us finish the good work of toleration which was begun in 1815, in our State. Let us drive persecution, abolition, augur hole Roger S. Baldwin into obscurity and destitution of power. Let us, people, choose Clay and Davis for the United States, who will give us a good, permanent tariff to sustain and increase our prosperity, and conduct the Ship of State in a praiseworthy, seamanlike manner; * * * * and the rest of our Toleration ticket for the State of Connecticut. This will prove a full triumph for Toleration here, and a good start for Toleration throughout the Union. Who loves persecution? Whoever he is, he hates Henry Clay and John H. Jacobs; he loves his own, and hates the people's good. Let us, people, on the first day of April, choose persecutors? Oh! no, no, no! Let us choose liberal men, who love you; and put aside persecutors, who hate you and devour your substance.

A meeting, a meeting, a meeting!
A greeting, a greeting, a greeting!

let us have this day at 2 o'clock, at the State House—and it is the people's house—at least the steps—and on the steps allow and tolerate the address of your old friend, who is again in the field for our country, to trample that bitter weed Persecution—which good work commenced in 1815.

JOHN H. JACOCKS.

Tuesday morning, March 5th, 1844.

RETREAT, 15th March, 1844.

JAMES H. WELLS, CHARLES SHELDON, WM. T. LEES, *Managers*,—

GENTLEMEN,—The Retreat has, since Monday, and this is Friday, been truly a place of rest (and Dr. Johnson says that rest, after great fatigue, is an exquisite sensation) for my weariness from great exertion to stop the pursuit of political persecution, which has forced me to the Institution under your supervision. Force might take Dr. Butler, or either of you, gentlemen, and confine you at the Institute at Utica, under pretence of certain forms of insanity; but you would not be insane because under the bolts of the Utica Institution. Should there be a multitude of forms of insanity, it should be remembered that the multitude of forms of sanity is still greater in various climates and countries. The sane manners of the North in the United States, differ from those of the South.

A Northerner, proceeding South, will be struck with the warmth of feeling, the excess of expressions, the egotism, the sudden and violent gesticulation used to convey their sentiments; and when he is on Southern ground, the people appear to him to be either fools or crazy, until he has become accustomed to their manners. I was born in Bertie County, North Carolina, and there remained until 16 years old, and my manners have continued Southern, although I have resided here half a century. This is one cause of the success of politicians against me at this time. I am always an open advocate or opposer of certain men or measures here at the North. This frankness is hurtful to me at first; but, at last, usually is successful. But, gentlemen, as to me, whether here or at home, is of comparative unimportance. Pray, gentlemen, do not suffer this Institution, to which my wife's father has made a handsome donation on her demise, to be suspected of promoting Mr. Thomas C. Perkins' sister's husband, Roger S. Baldwin's, political ascendancy, or any other man's. I am a politician, and have been since 1815, of which period many of your Vice Presidents have a vivid recollection. Persecution was then, for a while, dominant; but it at length lost its power, and so it probably will now. Persecutors did not then get me into the New Haven Hospital, but they tried to do it. This Institute has nothing to do with politics, or even sanity. It was not chartered to incarcerate the sane for one moment. Elijah Thompson, my wife's father, would not give property to it for that purpose, nor would the Legislature charter it for such a purpose. Be careful how you receive sane men, against their consent, into your grounds, and put them under bolts and bars, thus unlawfully depriving them of liberty. It is a

high misdemeanor. I was forced here under no legal process, and your confinement of me is at your peril. I say again, let politics alone, and confine your labors to the insane. It is a charity honorable to the State, its directors and superintendents. Where subjects are not voluntarily or legally brought within your precincts, tolerate them at large. That is your duty as men and as Christians. I wish the good of the Institution and the good of all interested. If one or all of you should come to my room, I will give you interesting particulars.

I am your obedient persecuted servant,
JOHN H. JACOCKS.

P. S. Please let this letter be referred to all the gentlemen concerned in the government of the Institution. J. H. J.

RETREAT, ROOM No. 46, *March 26th*, 1844.

To the Managers, MESSRS. JAMES H. WELLS, CHARLES SHELDON,
and WM. T. LEE:—

GENTLEMEN,—Presuming that Dr. John S. Butler would not take upon himself voluntarily to grant me the exercise of my right of suffrage on Monday next, should the Inspectors of the Polls not object to its exercise by me, for State Officers, I now address you for that purpose, with his permission. I will thank you, gentlemen, to forward the enclosed letter to my Attorney in New Haven, Silas Mix, Esq., who will, without doubt, comply with my request, and send to you the certificate of my having been made a freeman in that town. I wish this letter, and that I wrote you on the 15th inst., may be entered on the records of the Institution. Feeling myself friendly to this great charity for the insane, and knowing also that changes of administrations of this and all other institutions are frequent, I am desirous that it should be always free from the pollution of Church and State politicians, that it may never become a machine to deprive a freeman of his right of suffrage.

I am, respectfully, your obedient servant,
JOHN H. JACOCKS.

P. S. Please let this letter be referred to all concerned in the government of this Institution. J. H. J.

CONNECTICUT RETREAT, *March 26th*, 1844.

SILAS MIX, ESQ.,—

MY DEAR SIR,—Be good enough to send to the Managers of this Institution, James H. Wells, Charles Sheldon, and William T. Lee, Esqrs., a certificate, in due form of law, of my having been made a freeman of this State, say about 1804, 5 or 6, as I wish to vote for State Officers, in this town, on Monday next.

I am your persecuted client,
JOHN H. JACOCKS.

FRIDAY MORNING, *March 29th*, 1844.

MY DEAR DOCTOR,—I promised to stop writing or talking politics, but in consequence of having no paper to write upon. My first

copy, as it may be called, in order to get white paper to address the Managers, I sent you on the other side of my paper, a notice of my intended exhibition in New Haven, which has been seen by one of my mates, and he objects to my nominating myself for Senator. This is customary to the South, where I was born; at any rate, it is not uncommon. The candidate will thank the voter for voting for, or for saying that he will vote for him, and give him a "treat" for so doing or saying. And *here* the candidate for Collector or Surveyor at Middletown or New Haven, will solicit your subscription in his favor to the President of the United States, and no one will object to him on that account, and he will publish it, if he thinks it will promote his election. Why not say so at first, as I have done, and publish it, too? Where is the difference between my course and what is usual here—to procure others to nominate him—in point of modesty or morals? My course is open—the other course is behind the tree or bush. You will find this openness to be the strangeness, which I confess, and perhaps too much boast, throughout my whole life here, of about fifty years.

My object in getting up—or rather trying to do so—the Toleration ticket, was to get a large majority for the Whig ticket, instead of a small one—that this large majority might have an overpowering influence for Mr. Clay and John Davis, in the other States, which have yet to vote for President and Vice President. My dear Sir, thus far had I written when you came into my room, and you told me that I must not write to him or to any body else on religion or politics.

Your obedient servant,
JOHN H. JACOBS.

RETREAT, *Friday, May 17th, 1844.*

HON. THOMAS DAY, *one of the Directors of this Institution,—*

SIR,—I wrote the Managers on the 15th and 26th last March, to which letters I have received no reply; considering them, doubtless, unworthy of notice. I requested that they might be referred to all concerned in the government of the Institution. Rev. Mr. Gallaudett informed me that since I wrote there had been no meeting of the Board of Directors; and I have now been deprived of liberty by your bolts and bars ten weeks on Monday next, without a visit from any other physician or individual, except those attached to the Institution, and by a few strangers. My requests were frequent to be visited by my son, the Bishop, and other gentlemen, for the first two or three weeks. Should there be unlawful design, or excusable doubt, or real ignorance on the part of those who keep me here, my illegal confinement in this prison could not be proved in the usual manner. Our laws are not made for the perfect, but for the imperfect. Here, all are interested in testifying to the doctor's capacity and integrity, except the prisoner, who cannot have a fair trial, for that reason. In a Republic, all our officers are supposed to be imperfect. The Legislature which chartered this Institution, that which has just commenced its session, and all subsequent ones, in conferring or continuing the power of

appointing directors, are careful that remedies should be provided against its abuse. The right of personal liberty is dear to an American heart. This sacred right is not to be surrendered under any pretence, without a struggle, to any institution or its agents, during their pleasure, or to their arbitrary dictation in favor of any particular party, or Governor, or other similar purpose.

Get up a "hue and cry" of insanity against a hated opponent, about to use his liberty in publishing his writings against the oppressor, seize him without law and force him to the lunatic hospital, let the doctor lock him up and suffer none to see him until the election is passed, or, perhaps, keep him there during life, to tell no secrets! I was opposed to the election of a brother-in-law of a Director of this Institution, and was about to publish my writings. The Director and his doctor have suffered no medical man to see me, after locking me up here, that I may not use my liberty. Is the trial by jury and all other lawful guards against oppression and persecution, and in favor of personal liberty, surrendered to the Directors or Trustees of this Institution?

Rely upon it, my dear sir, when my case is spread before the people, neither the conduct of your managers or the superintendent, in confining a man here will give satisfaction, either at his first entrance or his continuance, without the joint supervision of competent disinterested medical men.

Allow me to say the doctor, J. S. Butler, is gentlemanly in his manners, and so are his assistant and Mr. Cornish, your steward. The food is excellent, and that the attendance is all that I can desire. I think it unfortunate for me that Dr. Butler has not been in the Southern States, as he would have there seen the prevalence of such manners as mine, especially when under excitement as I was when I arrived, from the violence I had on that morning and the previous week experienced.

Allow me, my College mate, to say that I never was in better health. For the first three or four weeks, I was confined in consequence of a hurt on my leg I received at Bridgeport the Thursday before the Monday I was forced to this Insane Institution, and lost eleven pounds of flesh. I have not recovered my weight as yet, and shall not probably before next Fall. In all other respects I am in perfect health, and through you, Sir, I demand my legal discharge from this unlawful imprisonment. You will please hand these papers to the other gentlemen associated with you, among whom are the managers. The enclosed petition to the Legislature, you will please forward to the Chairman of the Committee on that part of the Governor's speech that relates to this Institution. The remaining few years we have on earth to spend, let them be spent with our families, and certainly as to myself, should my liberty be too hastily given to me, I can be brought back with as little regard to law, as was observed in bringing me here by force.

Your Collegemate,

JOHN H. JACOCKS.

HARTFORD RETREAT, *May 17th, 1844.*

*To the Honorable the Legislature of Connecticut,
in General Assembly convened :*

Your petitioner, JOHN H. JACOCKS, of the town and county of New Haven, in said State, now unlawfully deprived of his personal liberty in the Hartford Retreat for the Insane, chartered by your honorable body at a previous session, for the restoration to health of the said insane, humbly prays that your honorable body would take into your wise consideration his case of the unlawful seizure of his person, while at New Haven, in said county, without due process of law, on early Monday morning 11th March last, by Jesse Knevals, a lawful constable of the town and county of New Haven, under pretence of his (your petitioner's) insanity, and that by force, said Knevals did bring him, your petitioner, within the precincts of your said chartered Institution for the Insane, at Hartford, on said 11th day of March last, 12 o'clock at noon, and did deliver him, your said petitioner, into the custody of the officers of this above said Retreat for the Insane, in whose unlawful custody he, your petitioner, still remains.

Your petitioner begs leave to state to your honorable body, that when delivered to the said officers at this place, his nerves, as they ought to have been, were much excited by the said unlawful acts of said Jesse Knevals and his abettors, and that his nervous system had been in much the same condition for many days previous ; that on Wednesday 6th of said last March, Caleb Mix, the Trustee under the marriage contract with your petitioner and his, your petitioner's, wife, which contract gives no control over our persons, did, without law or right, force him, your petitioner, out of the Steamboat then lying at her usual place, Tomlinson's bridge, with the aid of the Captain of said Steamboat, in presence of a large number of persons, said boat being bound to New York, to which place he, your petitioner, was going ; that said Caleb Mix, on Friday, the 8th of said last March, did, without lawful process, lay violent hands on his, your petitioner's, person, in presence of his driver, in Fairfield County, in said State of Connecticut, in or near Southport, and unlawfully did keep your petitioner in his, said Mix's, custody until Saturday about dusk, the 9th of said last March, and did force him, your petitioner to return to New Haven, while he, your petitioner, was on his way to New York city. That said Caleb Mix, on the 10th of said last March, when he, your petitioner, was unlawfully brought into his, said Mix's, own house, by said Constable Knevals, without lawful process, and did there, by threats, unlawfully detain him, your petitioner, in his custody for some hours. Your petitioner prays that the annexed papers may be taken as part and parcel of his case, showing to your honorable body the extreme hardship and cruelty of his, your petitioner's, unlawful imprisonment in the Retreat for the Insane, at Hartford. And your petitioner prays your honorable body that your said petitioner may be released from his unlawful imprisonment, by means of the charter granted to the Trustees for the In-

sane, at a session previous, and now located at Hartford; or in some other manner, as may seem fit to your honorable body, grant your petitioner relief, and your petitioner, as in duty bound, will ever pray.

JOHN H. JACOCKS.

Given at Hartford Retreat for the Insane, May 17th, 1844.

RETREAT, *July 31, 1844, 8 o'clock Ante Meridian.*

MY DEAR DOCTOR,—On the 11th of next month, I have been confined under your guidance five months, and I have complained from the first that those who sent me to you, or had any agency in the endeavor to convince you that I ought to be here, were either mistaken or malicious. And you know, Sir, that I have detailed to you FACTS sufficient to account for my rational conduct, admitted always to be uncommon or extraordinary in my soundest health, such as seizing me, and violating the body of such a sensitive being, to whom the very touch of another in anger, is abhorrent, previous to your having seen me. And since, under your care, (with that of attendants much the greater part of the time,) from whom you must receive reports about me, and in a degree incapable of judging of such a man just presented before them, I have submitted with good nature generally to your prescriptions and rules—rules confessedly suitable only to the deranged—and prescriptions I never ceased to tell you, exciting in an extraordinary degree, my child-like sensitiveness from my birth, and lasting as my body. When I say always, I mean until within about a fortnight. The medicine since does not excite or in any way hurt me. But still I want no medicine, as is the case with all persons in health. Now, my dear Sir, this good natured submission convinces every rational man, that so far the man behaves well, either as sick, or crazy, or deranged, or well. I walked a good deal (and very stirringly) after my leg got well, and even before—which kind of brisk exercise, of course, excited me; and I loved, and do now love that kind of excitement, although to eyes jaundiced, it might confirm that it was not healthful, but hurtful. So much as to my body; and as to my mind, my writings must be good evidence. They appear or speak for themselves, and every one can judge of their soundness, or the contrary. Well, Sir, for so long a time—and I now only appeal to facts within your precincts—I am a praiseworthy, rational, sensitive, singular, or if you please, unique being; and although it may *possibly* be that you may be right in my still longer confinement here—yet a rational, sensible man is always governed by probability—more especially when that probability favors sanity and liberty of person—and the contrary, probability brings with it a violation of law, for which redress ought to be demanded.

And now, my dear friend, my good Parson is expected here this day—a judicious friend to you, to me, to my wife, with whom she lives in my absence, and with whom I hope to board, with my good wife—and I propose to accompany him on Friday, the day after tomorrow. Is this proposition, which, if adopted, only admits my

present rationality—the future belonging to our Maker—and the past must have taken care of itself; is it, I ask, unwise in you to adopt or let me go home with a blessing? I present it for your respectful consideration. Can it be wisdom to keep a healthy, sane man with lunatics? with their necessary looks and bars and attendants, &c., &c.? It cannot be. A wise man rejoices in being wiser to-day than he was yesterday. Any opinion, however cautiously or by numbers adopted or persevered in, when found upon fair trial to be *doubtful*, and that is the extent of the adoption of the proposition now under examination, is at once either abandoned or no longer acted upon by sensible men in every walk of life. I was treated like an insane person, to a considerable extent, by the Jackson party, while in the faithful discharge of a laborious and responsible office; and ever since the marriage with my present wife, the same course has in a great degree been pursued towards a faithful man. So that, my dear Sir, you are fortified by time and numbers in your judgment as to the ability of your patient before you saw him. The adoption, then, of the proposed measure, will (instead of diminishing among the people your medical skill, or reputation, or practical humaneness towards those committed to your care) give you a more stable footing as to the requisite ability for a wise and faithful Superintendent. But reputation has little concern with duty. Your motives are right, and your reputation and my subsequent conduct are in the keeping of Him who gave us being.

Respectfully, your patient,
JOHN H. JACOBS.

HARTFORD RETREAT FOR THE INSANE, *June 7th, 1844.*

HON. HENRY CLAY,—

MY DEAR SIR,—I forwarded to you one of my handbills, of October, 1841, and one of January, 1842, and I also wrote you a letter 24th February, the day of my birth, 1842, 64 years ago, in which letter I predicted that a majority of our State Democracy would vote for you for President, in 1844; and in the October handbill, I *guessed* that you would obtain nineteen of the twenty six States, and I am still of the same opinion. I have published no handbill since. I was about doing so previous to our election, 1st April last, with the hope of uniting both parties and presses in favor of Clay and Davis. On my Toleration ticket, I put one prominent Loco as Comptroller, Gideon Welles, who was on the Democratic ticket, and took all the rest of the Whig ticket, except now Governor Baldwin, in whose place I put James Donaghe, as strong a Clay man almost as yourself. My object was, by getting a great majority of both parties *here*, to carry the Old Dominion with an equal vote. But, Sir, I either could not make myself understood by the Whigs, or they did not believe that I could get the Locos—and I was so much excited in trying to explain myself to both parties, that I was sent here without law, by force, 11th March last. But from what the doctor says, I shall go home to New Haven shortly.

I was much pleased with some late remarks you made at Wil-

mington, North Carolina, my native State, upon the honesty of both parties; and that you are a Whig, because you like Whig principles. I am a Tolerationist, and like best the principles of Clay and Davis. I do not like Frelinghuysen, with his ultra tariff and anti-slavery Garretson notions, but will take him, as do the South and West, being safe with Mr. C. Davis lost his nomination at Baltimore, as you, Sir, did yours at Harrisburg. But the people will rally for Davis in 1848, for President, as they now do for Mr. C.

I trust, Sir, that you will be able, should your nomination prevail, during your term, to give our countrymen a tariff for fifty years, instead of nine for compromise, from '33 to '42, somewhat in duration, with modifications, like the Constitution. Calhoun is not fair in his tariff notions. He was born in South Carolina, I in North Carolina, and I have lived about half a century in Connecticut. I want a tariff for both States. If it favors South Carolina and North Carolina, it does also Connecticut and Massachusetts. We have one country, one market, one work-shop, one ship-yard, one corn, one wheat, one tobacco, one hemp, one cotton, one rice, one sugar crop. The tariff, like the blood throughout our frame, is no respecter of places or members. It benefits our own body—our own country. Who is so selfish as to oppose a tariff for revenue? Is Calhoun? He says—no. Can he be so small as not to favor or protect the poor man's capital—his labor? Yes—he says he is. Then I pity his smallness and will not vote for him, or for Polk, or for any man who holds this principle of meanness. A tariff of favor of *protection* exists in every country; and no one, in or out of that country, can complain of such favor or *protection* for its *own* workers on the farm, in the ship-yard, or in the work-shop. Favor your own farm, your own workies, and neighbor Calhoun, with his farm and workies and favorites, does the same justice to his own folks. Thus the two farms, and the portions of each, are mutually benefitted. England, France and the United States thus, by *protection*, aid each its own country, and every farm or manufactory of each. *Protection* of our labor is a family, a constitutional, a self-evident, a *general* welfare, duty.

I trust, Sir, that you will give us—a something—a MONEY WORKY—which will be controlled by the *private* interest, which is sharp-sighted, of stockholders—not by the administration or by party. I like your oft-repeated views respecting our wild lands for the old and young thirteen. As to Texas, I see that you are disposed to be governed by the people—and you ought to be—but give them time to know what they want. But to be candid, Sir, I am animated with the hope that you will be both inclined and able to set such an example for your successors, of the toleration of both political parties, as will allay the bitterness and malignity now and for a long time prevalent; such a toleration as will firmly establish and perpetuate our Constitution of Toleration, as it is, in the affections of the people; such a Constitutional Toleration as will command and win the respect and gratitude of good men towards those who administer the government. South and North, East and West, should tolerate the feelings, opinions, the habits and customs

and peculiarities in each district of our one people. The want of a TOLERATION spirit and practice is now the main dominant MANIA in politics, religion and manners. Look at Washington's farewell address, for true *toleration*!! While in Connecticut, I find myself unconsciously, nay, even necessarily, as it were, eulogizing my native State, in traits of character suitable to the dignity of man; while in North Carolina, I am supporting *vehemently* the notions, customs, morals and literature of the State of my fifty years residence. This persecution, against which I am by duty obliged to raise my voice and use my pen, shows itself, at times, in both States, in a rather pleasant badinage, in sarcasm, bitter envyings, malicious representations, fraud and violence.

Few Southern men, now or heretofore living, have felt the cruelty of Northern persecution as the fifty years resident in Connecticut, now addressing a Virginian for sympathy. You, Sir, saw something of my being persecuted by Van Buren's men in 1838, in Washington. I ought to be more thoroughly acquainted with Northern character, than perhaps any Southern man living. A fifty years persecution! but still, although in prison, under a hue and cry of craziness, *formidable* to persecutors. An appeal to the mild effect of my writings, favorable to toleration, on this community—and my pen has not been idle—proves, in their estimation, that the measure of my persecution is not, nor ought to be, full. A still longer and longer and longer unlawful imprisonment should be enforced, without permitting, though often requested, any other physician or friend, say Governor Ellsworth, to see the man in prison, pleading for Toleration in religion, politics and manners, in Connecticut, and throughout our country. What has this Carolinian said or done, or is about to say or do, unauthorized by the Constitution of this State, or United States, for which he has been forced and kept here, within the bars and bolts of an Insane Hospital? Specify it; or if any thing, what is it? Let us have no opinions of learned men, but facts. A Jury will listen to facts. Jurors are common sense men. They want facts. I spoke freely, *here*, at one time, against Mr. Webster's political course. Well, Gentlemen of the Jury, I had a right so to speak. Yes, says each juror. Speaking against Mr. Webster, is neither ill-manners nor craziness. I also said something, not of much consequence, against the father of one of the patients. Better, perhaps, not to have said it. But that was no proof, nor is it pretended to be, of craziness; though I was charged by the physician, for saying it, (and threatened with punishment,) with *ungentlemanness*. I am not in the habit of having that term applied to my conduct, without resentment. Let it pass, however. What else have I said or done in 86 days here? Nothing. Yet I am in perfect health, even now, as to my nerves, and I treat every one with suavity of manners, and yet am still kept in prison. No one, except my son, a few minutes on the 81st day, has been allowed to see me, under pretence of its too much agitating my nerves! Here, then, is a case of political persecution in my own person, of a Southern man. Let me say that a Northern man uses oftener *force*, and thinks more highly of its subduing power, than a Southern man. When

applied to a Southern man, it excites him to retaliation. Force oftener subdues and humbles a Northern man. Imprisonment of my person, it is expected, will cause me to humble myself, to make *confession* of some fault or wrong done, and to *promise* amendment of conduct towards my persecutors! What say you, Mr. Clay, to such expectation? Unlawful imprisonment enrages and prompts me to unreasonable violence. But it often quells a Northern man.

Even Lord Bacon took a corrupt fee; and, in the enactment of laws, what man, or lawyer, or doctor, or divine may not be supposed to collude with the corrupt, under pretence of craziness; he (the doctor) being judge, witness and jury for eighty-nine days! Let no man's freedom or property be thus jeopardized in our Republic! If there was no corruption in man, there would be no laws. Law implies corruption. Except for crime, no Legislature can charter an institution to imprison a man, without the *inspection* of disinterested men, not connected with the institution. Under the name of a mad house, or charter of a Retreat for the Insane by the Legislature, what violation of liberty, of the right of suffrage! may not be perpetrated within 89 days, without the usual *guards* of visitation and *inspection* of competent, vigilant and indifferent men!!!

Kindness and confidence—not *force* and *deception*—win the heart and convert the soul of a Southern man. This fact *seems* to be unknown here; or kindness and confidence are considered as weakness and folly in Northern government and discipline. I am opposed to force, and fraud, and persecution, and I am and have long been suffering from their influence. I am in favor of kindness, confidence and toleration in my social and civil intercourse. I am for a liberal construction of the conduct of parties. Their leaders are often *dishonest*; but the people, *never*. I am, also, in consequence of this *honesty* among the people, for a rotation or intermixture of parties and offices. Let the bread, and milk, and honey—the *offices*—feed both parties, feed *honesty*, feed the people. As I am a Southern man, persecuted at the North, I know that you will read this long letter with interest.

I am, very respectfully, a Carolina Yankee,
JOHN H. JACOCKS.

RETREAT, July 10th, 1844, Wednesday.

DR. J. S. BUTLER,—

DEAR SIR,—It is my wish, in the following frank remarks, to express myself to you in truth and kindness. I was brought here by force, 10th March last, or four months ago this day, and think, from the taste and power, that it is the same medicine through the whole time that I have been forced to take—what it is you have not told me, nor will Dr. Brooks, after repeated inquiries. I presume, from my not knowing, under these circumstances, that it is of a virulent or poisonous nature. I well know that such poisons, even in ague and fever, are administered with safety and success in small doses. I have said to you, and you admit it, that my constitution is nervously sensitive in an uncommon degree, when in perfect health. This is perhaps my great misfortune. To distin-

guish between real sanity and insanity in such a person, as to outward behavior, gesture, quickness of movement of the body, &c., requires much and long observation, especially when highly excited, as I was necessarily when you first saw me, and could not know, except from *ex-parte* representation, my own representation having been considered by you as, of course, doubtful, with the "hue and cry" of craziness, I had to encounter. Well, Sir, you have now had me under your supervision a reasonable time to judge on the subject. I know that the unlawful treatment I received before you saw me, was the cause of the very high degree of bodily nervousness you then saw me distressed with. Should this treatment be repeated, the same bodily symptoms would show themselves, for a hundred times. It is my constitution, and forever will be, and ought to be. My Creator has so made me; and His work is always right and good. I wrote the Managers to that effect on the 15th March, four days after my imprisonment, and handed the letter to the Steward, Mr. Cornish, to give to them—which he told me that he did give them. This information, which I gave you, you did not believe. You then, Sir, commenced a system of medical treatment—giving me the same virus three times a day, for 77 days. I then begged you to omit it, telling you of my 33 years walking—you omitted it for *six* days—then recommenced, and have continued it until my now writing this letter. I have thought, at times, that it rather quieted my nerves and aided me in sleeping soundly; but long before the 77 days came, I was, and am thoroughly satisfied that it excites, instead of allaying my nervous system; and this I have often told you, and more particularly this day, in presence of Mr. Dean, who is a patient from choice, and is believed when he says that medicine does or does not suit him. The conversation he can state, if he chooses; but the result is that the virus is continued, and my statement disregarded. In all such cases as mine, of extreme nervous excitability, a much surer test of sanity or insanity, common sense would direct us to, is the invisible agent—the *mind*—and not the outward, singular behavior. And with respect to the common sense of my mind, you have, Sir, a demonstrative test in the various written communications I have sent you by the attendants—addressed through you, Sir, and the Steward, sometimes two or three a week, for the whole last four months. These, Sir, will show the state of that agent which governs the behavior, the conversations, &c., &c., of the man. Let these be read, Sir, by one or more persons, and the sanity or insanity of the writer satisfactorily will appear. The mind is the true index of truth on such a subject.

I have written to you to hand one of my communications to Alfred Smith, Esq., one of the late Directors, containing my petition to the Assembly; but my letter to you for that purpose was handed back to me. The letter I wrote to my classmate, Edmond Dwight, Mr. D. treated as not having evidence of insanity, as you well know. Should my writings here, while treated by you as an insane man, be given to the people, there will be but one opinion, and that will be that I am a persecuted man.

I wanted Charles Sigourney, Esq., to see me, and handed a let-

ter to Mr. Cornish to send to him, in two or three days after my imprisonment, but it was not sent, but returned to me. Also I wrote to the Bishop, and requested that he and my son should visit me. Also Gideon Welles, Esq., and others. My son I saw accidentally below stairs, and took him to my room, the 71st day after my confinement. I wrote also Governor Ellsworth, to Dr. Sumner and others, but my letters were not sent. The Steward mentioned Dr. Sumner to me; but you would not suffer him to visit me. No man is infallible. No man is perfect. My views are given you already on that point. Why was Dr. Sumner and my other friends not permitted to see me? Dr. N. B. Ives, about the 85th day, did see me in your presence about three minutes, with a promise to call before he returned to New Haven; but he did not. Was I so feeble, or am I now so feeble, that the presence of a friend would hurt me? or what was or is the cause? Let common sense decide. I am aware, Sir, that there is a monomania or an insanity upon one subject; and upon all other subjects perfect sanity. In my case, should it be my belief of my persecution by false imprisonment and consequent determination, with the advice of a council of lawyers, to be indemnified in damages for such false imprisonment, by bringing the case before a Court and Jury of my country—if that be my *insanity*, in your judgment, my letter to you of the 8th inst. is my answer. If you will be pleased to let me know on what other subject or subjects I am or ever was insane, you will confer a favor on me. A jury will want facts, and not professionally sensitive opinions. They are common sense men. Let facts and truth prevail.

“The power of *kindness* opens the fountain of goodness in the soul,” says a good writer. “When the patient is convinced that *kindness* is the predominant affection in the physician—that the patient’s words, his gestures, his whole conduct is fairly and kindly considered, kindly construed, kindly spoken of—his motives kindly interpreted, his disposition kindly estimated, his communications, either written or verbal, kindly received; in fine, that the fountain of goodness in the physician is flowing towards the patient—the souls of both will be, in a degree, kindly affected towards each other. But, on the other hand, when the patient is induced, from the conduct of the physician, either to distrust his discernment to appreciate him, or to doubt his kindness—to fear that he is disposed to use “optics sharp to *see* what is not to be seen” in him, (the patient)—to misinterpret his words, his actions, his motives—to ridicule his manners and views of things, especially if he knows them to be peculiar in the country where he is, and was not born—to doubt his declarations respecting the effect of his medicines—to treat them as deserving, even at times, of ridicule—but little or no kindness, or rather fear and uneasiness must be the fountains opened in the souls of both.

The physician will encourage the attendants and patients in his own “hue and cry,” necessarily, to follow his example, and that more likely than at home; his person he will subdue—his patient make mad, even if in any healthy state, in the hands of the physicians, and the patients must submit to the persecution of him who

holds the keys. For instance—yesterday, in Dr. Bull's garden, on my seeing the Portu Laca Rose, or Pursley, so superior in beauty of color, I said that the most *beautiful* object in nature to a man, was a woman, and to a Bull it was a Cow, and so of the beauty of female to the male of all animals. Instead of being interpreted by you as intended by me, as a clear physiological truth, you said that I was indelicate in so remarking before young gentlemen, and used yourself an indelicate word to illustrate it, which proceeded either from your want of discernment or disposition to rightly illustrate its truth. Again, before going to the garden, I requested you to omit, at present, the usual medicine, because, as I believed, it excited my nerves—and that I was believed, at home, to be a man of truth; but you have continued the medicine. You denied that I *knew* that it excited my nerves. It is admitted that I see, and feel, and taste, and hear as usual. These two instances took place yesterday, and I could give one this day about lawyers, but they are and have been constantly recurring.

From these may be inferred the conduct of the attendants and my brother patients towards me, during my imprisonment. Do they prove that the “power of kindness has opened the fountain of kindness in the soul” towards the prisoner? The key to the lock of the prison is in the hands of the chief physician, and the prisoner must submit to the conduct of him who holds the key. The power of kindness should in both physician and patient open the fountain of goodness in the soul.

Allow me, Sir, to present another view of the subject. Suppose that in truth the physician is mistaken, and has in truth found in me a case of sanity, instead of insanity; although he is ready, as he told me on the 8th inst., to make oath that mine is a case of insanity, and not of peculiar, singular, uncommon and extraordinary sanity. Would or could an insane man behave as I have while your prisoner? (a prisoner, of course, if I am sane, and my imprisonment unlawful.) Has not, in that case, my *endurance* of suffering in reputation and bodily agony exhibited itself in my conduct towards my persecutors here, been rather mild, charitable and forgiving? Look at the disbelief of the truths I have so often declared to you, Sir, respecting my sanity. The forcible confinement of a man in health, under pretence of insanity!! The unavailableness of his entreaties to have you omit your medicine, which is injurious to any man in health; and all this time fully conscious of his own soundness in body and mind! I have tried to make you sensible of your error by pleasantry and joking, at times, to which I am naturally prone, by serious reasoning, in conversation, and by writing, as is seen by this and other manuscripts. But all in vain, or worse than in vain. Your key is still turned on me, and I am still a prisoner to your perseverance in wrong! Had you been one of the framers of our Constitution of the United States, or had they been all like you, it never would have been made.

But let me put another case, and that is that the Court and Jury and the people should be of the same judgment as to my sanity; and you know, Sir, or ought to know, that the people, or public

opinion, in our republic, is the wise execution of our laws. You certainly do not mean, when you said this morning (I must presume in jest) that you, as Superintendent, are above *all* law, that you are above public opinion. Should it be proved in Court that you had not permitted any physician or friend, for 77 days, to see me in my room, under the view that their visits might injure me, but in fact, that you might not be known to falsely imprison a sane man—that you had set the example to the patients and attendants of ridiculing my conduct, in general and declarations in particular, as to my health, the effect of the medicine, its nature being concealed from me—and that they had followed your example, in some degree, of necessity—that all my remonstrances against your medical treatments are, and have been, wholly disregarded or trampled with contempt—that my age and former standing in society have not had sufficient influence to alter your conduct towards your equal in standing, before our fellow men, and greatly superior in age—would not a Jury, in finding these facts, compel the Judge to imply malice on your part towards me? and thus far exonerate the Managers from damages, in my favor? Should your conduct towards me be as the case supposes, you would find yourself not to be above all law, either in jest or in purse.

Suppose again, that it be admitted on all hands that I was brought to you *without* legal process, and it is palpably true, as the paper you received shows; and that your taking my person into your custody for the first and every succeeding hour, your locking me up and forcing down me your medicine, and all your conduct towards me be wholly unlawful, as it in truth must be, in consequence of your unlawful imprisonment of me, even if I am an insane man—what damages ought a wise Jury to bring in my favor for this wanton, this flagrant trampling the laws of the land? and how greatly must these damages be increased, when my writings convey to every sound mind the fact that I was and am a sane man, whom you have persecuted, notwithstanding your oath to the contrary, and the oaths of your attendants and keepers of my prison? I shudder at your wanton cruelty.

And again, suppose it should be said that my being seized without law, and brought and kept here, and imprisoned *unlawfully* for four months and longer, at the pleasure of the Superintendent, is just as well for me as if I had not been seized and brought at all, because when it suits the Superintendent to release me, I have my remedy, should I live as long as it may suit him, the said Superintendent, to release me by applying to a Court and Jury to be indemnified for this four months or longer violation of my rights of person—look, in such a case, at the extreme hardship of my being compelled to call, before a Court and Jury, a Corporation shielded in its government by many of our first characters and richest citizens—chosen for their integrity to give confidence in the ability of its management, myself known to be poor, and dependent for my support either on another, or in my skillful labor from sun to sun—my reason actually endangered by being shut up with those deprived of reason, treated as they are, and worse in its effects, be-

cause sensible of the medicine hurting a well man, sensitive to its operation—my good name for common sense slandered perhaps forever in the view of my fellow citizens—my hopes of having the good will of the people blasted, as to acting for them officially or otherwise—are these wrongs nothing? this compulsion on a healthy, poor man, to endeavor to obtain legal redress—nothing? this endangering his reason, by forcing him to live long with lunatics—nothing? this arrest of his body and confinement of it as suits the arbitrary will of politicians or sectarians—nothing? this imprisonment of his person for four months or longer—nothing? this depriving him of his right of suffrage, right to vote against a brother-in-law, of a director—nothing? Is this not permitting any one to see me, except the keepers, for 77 days, that you might not be detected in the imprisonment of a sane man, myself—nothing? Is it nothing not to let any other physician visit me, except for a few minutes, before Dr. Woodward, on Sunday and Saturday, 13th and 14th July, the *one hundred and twenty-fifth and sixth* days of my imprisonment? Is it nothing for you to try to sanction Caleb Mix's lawless violence of my person, for mere excitement of my nerves, owing to said Mix's repeated outrageous seizure and false imprisonment of my body? Is it nothing, by falsely imprisoning me, to keep me away from my wife and business at home? Is it nothing thus to aid politicians and sectarians in persecuting me, for endeavoring to publish my political and religious opinions? Did the Legislature charter the Retreat for the Insane, as a prison for religious and political intolerance? Will the people call this persecution, false imprisonment—nothing? Is this imprisonment of a freeman—this denial of my right to vote, and write, and publish, and speak for whom I chose—nothing? Is the violation of the liberty of the press nothing? And must I be advised again and again and again, two or three times a week, or even a day—to do nothing? To promise to do nothing, or be considered as crazy, and be kept here till I promise to do nothing? Is the suffering of all these flagrant violations of human liberty—nothing? This despotic imprisonment—nothing? This violation of your charter nothing? Whose turn next will it be to be shut up in prison during your pleasure, your dictation? Is this a free country—where such false imprisonment of a fellow freeman—is advised to be—nothing? Is such vile persecution of a fellow being—nothing? Let the Court and Jury bring in a verdict of six pence damages for such false imprisonment, such conspiracy to deprive a human being of his personal liberty—and then let my countrymen, whose turn will soon come, join in the “hue and cry” against a persecuted man, and give him a six pence for damages. All hail! land of lawless violence! Liberty has perished! The Republic's days are numbered! Jacocks' thus end his day with his country's freedom, in the good cause, the cause of liberty, of tolerance! No, no, my countrymen—we are not so degraded, we are not so vile! Let Corporations and their owners be visited with even-handed justice. The higher the guilt in office, the surer and more severe the punishment. I will call upon my country. My country will hear the cry of persecution, the cry of a poor, defenceless, injured man.

Let guilt be punished. Let the good be protected. Let the meek receive a just reward.

In view of these truths, and "the one half has not been told," let an impartial, intelligent, humane Jury pronounce a verdict of damages, not vindictive, but exemplary—between six pence and twenty-five thousand dollars—between nothing and a just remuneration—thus doing to another what should be done to them, should they or either of them, thus poor and friendless, suffer false, long continued and malicious imprisonment; well knowing that an enlightened and righteous public opinion will correct or affirm their solemn, deliberative judgment here—and that One above looks at the heart of man, and knows its motives.

But, Sir, enough of suppositions. Let the law of kindness reign; and with this exposition of my frankness, I trust that you will see that it does, on my part, and will, with greater probability, continue to reign between us during either my imprisonment or after I have once gained my personal freedom. Now, Sir, let me remind you that I gave you a letter to my wife to come here Monday next, and I now renew the request to let me send it. Let her judge by seeing me herself. I presume that you will not be uninfluenced by her wish. At any rate, let her come and see me. We have been separated four months. I can remain here alone, after her visit, and she can go back with Mr. and Mrs. Townsend.

Respectfully, your patient,

JOHN H. JACOCKS.

RETREAT, *July 8th, 1844.*

DR. J. S. BUTLER,—

SIR,—Suppose John H. Jacocks should promise you not to commence a suit on regaining his liberty, against Caleb Mix and Dr. Hooker, of New Haven, and the Managers and yourself, for slander or false imprisonment, and should sue one or all of them, or you—would his promise here, under your locks and bars, be binding on said Jacocks, and set aside the suit? You must know that such a promise is null and void. Your swearing that I am now, or was when you first confined me here, crazy, because I told you that I would sue these men, was the reason you considered me crazy—what would your testimony be worth in the minds of a Jury? Nothing against me, but would greatly enhance the damages in my favor. Your keeping me here one day or hour, for any such declaration to be made by me respecting you or them, is a high misdemeanor in law and right reason, and will subject you and them to heavy damages. You informed me this morning that Dr. Hooker had written to you that I was *crazy*. Why did Dr. Hooker volunteer his opinion against me on this occasion, as he did for * * * the Collector of New Haven, in 1835—by which means I lost my office of \$1100 a year? I have not been on speaking terms with him since. His malice, before a Jury, would be apparent. I never employed him as a physician. He knows nothing more of me than those who casually see me. If you have no other medical proof to justify you in first having kept, and still keeping me here, you are lame indeed. You advised me not to

commence a suit—allow me to advise you to look at my conduct here—not at what I said then, that I may do with the advice of lawyers hereafter. No Legislature can charter an Institution or Corporation to interfere with private rights. What my private rights are in the case under consideration, a Judge and Jury, should I think proper hereafter, are alone competent to decide. Let those who sent me here by force look to their defence, without your keeping me here, to extort a promise from me in their favor.

Respectfully, yours,

JOHN H. JACOCKS.

Who is so small as not to be a Tolerationist in practice? Are you, my countryman, Mr. Polk? I'll answer for you—no. Your understanding is underrated, by both opponents and supporters. I well remember telling you that you was a great man, in '38, in Washington city. Greatness tolerates others of different political as well as religious creeds. Mr. Clay may be right in his views. I never liked his voting for the abolitionist, J. Q. Adams.

The first Federal Congress, September, 1774!!

I would have been a Federalist of '74!

What Democrat would not then have been, to his heart's core,

To his heart's core, his heart's core, encore, encore!

Well, why then not tolerate with office those who are supported by such examples of blood, talent, daring, struggling and persevering success. Who is so small as to think himself perfect in any thing, except politics? Have you, Mr. Perfectionist-persecutionist, never changed your political opinions in many respects, if not as to party? Have you never in vain looked for light to re-assure you that your party was right—if you know yourself? Yes—you must say. Then, Mr. Perfection-persecutionist, let Henry Clay be *right* for four years; and I am opposed to eight years in office of Col. Polk, Mr. Clay or any successor in the Presidential office. The four years incumbent may think himself as good as others; but that only proves his weakness. Suppose he should die, or become incapable? Suppose his appointees should be turned out of place by the next four years' man. I hope so. What groans and screams and horrid oaths! Let them perish—the lazy drones. Starvation is a mere matter of choice. Work, then, work! Like the Frenchman's pig, which died standing on his hind feet, squealing in agony—let the office-men give one of young Thomas Ritchie's screeches, and gasp once, twice, thrice. I am against the monarchist-corrupt-persecutionist office-men. I am in favor of a Republic! and its rotation—not monarchical—but toleration term of office.

Let us, people, no longer practice monarchy or life-office under the name and parties of Democracy or Whiggery. Let us have a liberal-spirited, neighbor-like, free and generous TOLERATION.

I am your fifty years persecuted fellow citizen,

JOHN H. JACOCKS.

New Haven, (Westville,) Feb. 9th, 1847.

